

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt.: 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:

*Cary v. New England Compounding
Pharmacy, Inc.*, 13-cv-10228

Schaffer v. Cadden, 13-cv-10226

*Schroder v. New England Compounding
Pharmacy, Inc.*, 13-cv-10227

Adams v. Cadden, 13-cv-10229

**PLAINTIFFS' STEERING COMMITTEE'S RESPONSE TO
GDC'S MOTION TO JOIN MOTIONS TO WITHDRAW THE REFERENCE**

Non-debtor defendant Ameridose, LLC has moved for withdrawal of the reference to the United States Bankruptcy Court for the District of Massachusetts in four civil actions currently pending before the bankruptcy court.¹ Non-debtor defendant GDC Properties Management, LLC either supports or has joined in Ameridose's motion for withdrawal of the reference to the United States Bankruptcy Court for the District of Massachusetts in three of the four civil actions identified by Ameridose.² The plaintiffs in those four cases have filed a consolidated opposition.³

¹ See 13-cv-10228-FDS (*Carey*), Dkt. No. 1; 13-cv-10226-FDS (*Shaffer*), Dkt. No. 1; 13-cv-10227-FDS (*Schroder*), Dkt. No. 1; 13-cv-10229-FDS (*Adams*), Dkt. No. 1.

² See Consented to Motion for Leave to File *Instanter* Memorandum in Support of Motions to Withdraw Reference, or, in the Alternative, Motion to Join Motions to Withdraw Reference, 13-cv-2419-FDS (MDL), Dkt. No. 30.

³ See, e.g., 13-cv-10226-FDS (*Shaffer*), Dkt. No. 10.

The Plaintiffs' Steering Committee now joins in GDC's motion in so far as it asks to withdraw the reference with respect to these four cases.

The Plaintiffs' Steering Committee believes that the only issue presented by this motion is whether withdrawal of the reference under 28 U.S.C. §157(d) is appropriate as to these four cases. The PSC expresses no opinion on issues of jurisdiction, abstention, or non- §157(d) transfer with respect to these cases because those issues are not squarely raised by this §157(d) motion.

As between having these cases either before the bankruptcy court or this Court, we believe there is cause to withdraw the reference. Consolidating these cases with the many other personal injury and wrongful death claims pending before the MDL court will aid in the efficient litigation and resolution of all matters and will avoid unnecessary duplication of efforts between the bankruptcy court and the district court.

Dated: May 2, 2013

/s/ Thomas M. Sobol

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: May 2, 2013

/s/ Thomas M. Sobol

Thomas M. Sobol, BBO # 471770